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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,554	09/19/2003	Nevin Jenkins	7200-A03-026	5547
27317	7590	11/16/2005	EXAMINER	
FLEIT KAIN GIBBONS GUTMAN BONGINI & BIANCO			HAGINS, SAMUEL L	
21355 EAST DIXIE HIGHWAY			ART UNIT	
SUITE 115			PAPER NUMBER	
MIAMI, FL 33180			2841	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/666,554	JENKINS, NEVIN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Samuel L. Hagins	2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-14 rejected under 35 U.S.C. 102(e) as being anticipated by Lewis (US 6760099).

Regarding Claim 1. Lewis teaches a housing, (fig.1 #10 column 3 lines 2-4) a light detector (fig.1 #20) mounted on the housing exposed to detect ambient light, a logic circuit (fig.1#18; column 3 lines 13-14; column 5 lines 40-45) mounted in the housing for processing the detected light for determining over a preselected period of time the average light detected by the light detector (fig.1 #20) and an indicator (fig.1 #14) to indicate upon demand, the average light detected during the preselected period of time.

Regarding Claim 2. Lewis teaches a logic circuit (fig.1 #18; column 3 lines 13-14; column 5 lines 40-45) includes the processing of the detected light (column 3 lines 13-14; column 5 lines 40-45) for determining the current light detected.

Regarding Claim 3. Lewis teaches the housing has mounted thereon switches (fig.1 #22,32) to control the logic circuit (fig.1 #18). Lewis notes in column 3 lines 38-40 that other switches could be added if increased capabilities are desired.

Regarding Claim 4. Lewis teaches a logic circuit includes a data processor (fig.1 #18; column 3 lines 13-14; column 5 lines 40-45).

Regarding Claim 5. Lewis teaches LEDS (fig.1 #14) are mounted on the housing to signal the average light detected.

Regarding Claim 6. Lewis teaches LEDS (fig.1 #14) selectively signal the current light and the average light (column 4 lines 55-59).

Regarding Claim 7. Lewis teaches the logic circuit (fig.2 step 48; column 4 lines 10-12) subtracts the times of darkness in computing the average light detected.

Regarding Claim 8. Lewis teaches the light detector (fig.1 #20) is a photodetector (fig.1 #20; column 3 lines 22-23) including a threshold (column 4 lines 10-18) for controlling output.

Regarding Claim 9. Lewis teaches a light detected (fig.1 #20) over a period of time comprising the steps of detecting light above a preselected threshold (column 4 lines 10-18) indicative of darkness, while noting the time of darkness, adjusting the period of time by subtracting the time of darkness from the period of time calculating the average light detected over the adjusted period of time and giving a visual indication of the average light detected (column 6 lines 36-61).

Regarding Claim 10. Lewis teaches a step of selectively indicating the current light during the period of time (fig.2 step #78; column 4 lines 46-48).

Regarding Claim 11. Lewis teaches the step of resetting after the period of time. (fig. 2 step #74; column 4 lines 51-66).

Regarding Claim 12. Lewis teaches a step of blocking reset until the expiration of the period of time (fig.2 step #74; column 4 lines 51-66).

Regarding Claim 13. Lewis teaches a further step of providing the visual indication as one of a plurality of discrete increments (fig.1 #14; column 4 lines 60-63).

Regarding Claim 14. Lewis teaches a method for determining the average light in a given area of a room to be used for a plant comprising the steps of determining the average light received by the given area (column 2 lines 47-49) in a predetermined period of time, and providing a visual indication (fig.1 #14) of the average light in order for a judicious selection of a plant for the given area can be made (column 2 lines 49-52).

### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lewis (6760099) Sun Meter And Method Of Operation

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel L. Hagins whose telephone number is (571) 272-5982. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kammie Cuneo can be reached on (571) 272-1957. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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